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fka The Bank of New York as Trustee for the
Certificateholders CWALT, Inc., Alternative
Loan Trust 2005-3CB Mortgage Pass-Through
Certificates, Series 2005-3CB*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

THE BANK OF NEW YORK MELLON FKA
THE BANK OF NEW YORK AS TRUSTEE
FOR THE CERTIFICATEHOLDERS CWALT,
INC., ALTERNATIVE LOAN TRUST 2005-
3CB MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-3CB,

Plaintiff,

v.

HIGHLAND RANCH HOMEOWNERS
ASSOCIATION; KERN & ASSOCIATES,
LTD; TBR I, LLC; AIRMOTIVE
INVESTMENTS LLC; DOE INDIVIDUALS I-
X, inclusive, and ROE CORPORATIONS I-X,
inclusive,

Defendants.

Case No. 3:16-cv-00436-RCJ-WGC

**ORDER REGARDING EXCESS
PROCEEDS**

The Bank of New York Mellon fka The Bank of New York as Trustee for the
Certificateholders CWALT, Inc., Alternative Loan Trust 2005-3CB Mortgage Pass-Through
Certificates, Series 2005-3CB (**BoNYM**), Highland Ranch Homeowners Association (**Highland
Ranch**), and Airmotive Investments, LLC (**Airmotive**), hereby stipulate and agree that the excess
proceeds from the HOA foreclosure sale, which the parties understand is being held by the State of
California as unclaimed property in the amount of \$22,893.92 be handled as follows:

1. BoNYM's counsel shall request the excess proceeds from the unclaimed property division on behalf of BoNYM, to be held in trust by BoNYM's counsel pending resolution of the underlying claims.

2. The parties agree they do not waive any defenses by BoNYM recovering the excess proceeds from the State of California, and that by obtaining the excess proceeds BoNYM does not concede either that its deed of trust survived or did not survive the sale. Rather, the parties believe it is beneficial to all parties involved that the excess proceeds be preserved until a final determination is made in this action.

DATED this 24th day of August, 2020.

AKERMAN LLP <u>/s/ Natalie L. Winslow</u> NATALIE L. WINSLOW, ESQ. Nevada Bar No. 12125 NICHOLAS E. BELAY, ESQ. Nevada Bar No. 15175 1635 Village Center Circle, Suite 200 Las Vegas, NV 89134 <i>Attorneys for BoNYM</i>	LAXALT & NOMURA, LTD. <u>/s/ Ryan W. Leary</u> HOLLY S. PARKER, ESQ. Nevada Bar No. 10181 RYAN W. LEARY, ESQ. Nevada Bar No. 11630 9790 Gateway Drive, Suite 200 Reno, NV 89511 <i>Attorneys for Highland Ranch Homeowners Association</i>
ROGER P. CROTEAU & ASSOCIATES, LTD. <u>/s/ Timothy E. Rhoda</u> ROGER P. CROTEAU, ESQ. Nevada Bar No. 4958 TIMOTHY E. RHODA, ESQ. Nevada Bar No. 7878 2810 W. Charleston Boulevard, Suite 75 Las Vegas, NV 89102 <i>Attorneys for Airmotive Investments LLC</i>	

IT IS SO ORDERED.


UNITED STATES DISTRICT COURT JUDGE

DATED: September 1, 2020.

AKERMAN LLP

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